

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHAWN DRUMGOLD
Plaintiff,

v.

TIMOTHY CALLAHAN, FRANCIS M.
ROACHE, PAUL MURPHY, RICHARD
WALSH, and THE CITY OF BOSTON,
Defendants.

C.A. NO.: 04-11193NG

**DEFENDANTS' JOINT MOTION IN LIMINE TO EXCLUDE
CERTAIN WITNESSES AND PRECLUDE REMARKS DURING TRIAL**

NOW COMES the Defendants, Richard Walsh (“Walsh”), Timothy Callahan (“Callahan”), Francis M. Roache and the City of Boston (hereinafter collectively referred to as “Defendants”), and herein move in limine that the Court exclude certain witnesses and preclude Plaintiff himself, or by way of counsel, from making any remarks or references to such witnesses in the presence of the jury as indicated herein. Specifically, Plaintiff should be precluded from admitting any evidence or making any reference: (1) to purported alibi witnesses Olisa Graham, Gemini Hullum and Antonio Anthony; (2) suggesting that Callahan engaged in any conduct with regard to Commonwealth witnesses Tracie Peaks; (3) suggesting that Walsh engaged in any conduct with regard to Commonwealth witnesses Vantrell McPherson or Ricky Evans; (4) suggesting that Walsh engaged in any misconduct with regard to Commonwealth witnesses Eric Johnson; (5) suggesting that Walsh or Callahan told Tracie Peaks and/or her mother, Betty Peaks, that Tracie would be taken out of school and locked up if Tracie did not cooperate; and/or (6) suggesting that Walsh knew that Mary Alexander suffered from a brain tumor or any problems with her cognitive functioning. Based on the complex nature of the claims, factual

allegations and fact record in this case, the Order requested is necessary to ensure that there are no misrepresentations of fact in the presence of the jury and that Defendants receive a fair trial.

In support of this motion, Walsh submits and incorporates herein by reference *Memorandum in Support of Defendants' Joint Motion in Limine to Exclude Certain Witnesses and Preclude Remarks during Trial*.

WHEREFORE, the Defendants respectfully request that this Motion be granted, along with any further relief deemed fair and just.

Defendant,
RICHARD WALSH,
By his attorney,

/s/ Hugh R. Curran
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Defendant,
TIMOTHY CALLAHAN,
By his attorney,

/s/ Mary Jo Harris
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Defendants,
FRANCIS M. ROACHE and
THE CITY OF BOSTON,
By their attorneys,

/s/ John P. Roache
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(617) 367-0330

DATED: January 28, 2008

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 28th day of January, 2008, I electronically filed with within document with the Clerk of the United States District Court for the District of Massachusetts, using the CM/ECF System. The following participants have received notice electronically:

For Plaintiff Shawn Drumgold,
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**For Defendants City of Boston and
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/s/ Mary Jo Harris_____